

A Guide for Owners and Occupants of Single-Family Type Rental Housing

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(Detached, Semi-Detached, Townhouse)

Newark Planning Department
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ZONING REGULATIONS

Student Homes

Student Homes, defined as single-family detached dwellings, occupied by more than one post-secondary student attending or about to attend a college or university, are **severely limited** in Newark. Contact the Planning Department or Building Department for more information.

A student home is permitted on a lot only if any portion of the lot is no closer to any portion of another student home, than a distance determined by multiplying times 10 the required lot width

for a single-family detached dwelling in the zoning district in which the proposed student home is located.

For purposes of this calculation, nonowner-occupant single-family detached, semi-detached, and row homes with rental permits for the taking of boarders and roomers and existing on May 24, 1999 are considered student homes.

How Many Students Can Live in a Student Home?

A student home shall be occupied by no more than three persons. The owner and owner's agent, if any, shall be responsible for compliance with the occupancy limitations set forth in the City Code. All student homes require rental permits.

Occupancy Limits

Owners who live in their single-family type houses (detached, semi-detached or row and townhouses), not including student homes, may take in three (3) roomers or boarders.

Owners who do not live in their single-family type houses (detached, semi-detached or row and townhouses), not including student homes, who rent or lease their property may rent to (or allow to be occupied by) no more than the maximum number of unrelated individuals permitted in the relevant zoning districts as follows:

3 - RH, RT, RS 4 – RR

3 - RD 4 - RM

Please note that in certain instances properties in Newark are deed restricted to limit the number of renters to less than the number permitted in relevant zoning districts. You should check your deed.

RENTAL PERMITS

Every nonoccupant owner renting to roomers, and every owner-occupant taking in more than two roomers, is required to make application for, and receive, an annual permit from the Building Department to rent a single-family type dwelling. These include detached, semi-detached, and row homes. Applications are made in writing and on a form provided by the City. An annual inspection is required for these rental units.

As part of the application for a Rental Permit, and landlord or owner is required to stipulate in writing that the lease for the dwelling unit contains a **Posting** notification to tenants, as outlined below.

LEASES

Written leases are required for rental of residential properties leased or rented for more than 30 days. Leases must be provided to the Building Department upon request, and must include the following information regarding **Posting Notification, Maximum Occupancy, and Two Times Conviction/Eviction.**

Posting Notification

1. Address of rental property
2. Maximum number of unrelated persons who may lawfully inhabit the dwelling
3. Number and location of on-site, off-street parking spaces available for the rental dwelling
4. Statement of penalties for failure to comply
5. Name and telephone number of the property owner or owner's agent.
6. Telephone number of the City of Newark Building Department

The Posting must be prominently displayed in the dwelling unit, and be readily visible to all tenants residing on the property. Violations or misrepresentations are subject to permit revocation.

Maximum Occupancy of Unrelated Persons

1. The number and names of unrelated persons who may occupy the premises
2. Violation of the allowable number of occupants shall result in termination of the rental lease as it applies to ALL renters of the premises, and ALL renters have no more than 7 days to vacate the dwelling.

Two Times Conviction/Eviction

1. Conviction of any renter who violates Alcoholic Beverage, Noise, or Disorderly Premises Regulations more than one time within a one-year period shall result in termination of the lease as it applies to ALL renters, and ALL renters have no more than 7 days to vacate the dwelling from the date of the second conviction.

If it is necessary to evict a tenant, the landlord should initiate and follow proceedings for possession as specified in 25 Delaware Code, Part III, Landlord-Tenant Code.

The City will notify the landlord, owner, or owner's agent if a renter is convicted of violating Chapter 20A Noise and/or Section 22.74.I Disorderly Premises of the City Code.

BEING A GOOD NEIGHBOR

Noise

In a rental home, the conviction of one or more tenants for violating the City noise regulations more than one time during a one-year period will result in the eviction of all tenants.

The City has strict noise regulations, essentially prohibiting noise that exceeds certain specific noise levels or that disturbs neighbors. We expect everyone in Newark to respect the peace and tranquility of the community.

Disorderly Premises

It is unlawful for any person to allow or permit in any house or any premises in the City profane, obscene or vulgar language or conduct, and fighting, quarreling, or loud or unusual noises that disturb the quiet and good order of the City. Property owners can be fined for violations of the City's disorderly premises regulations.

Alcohol Regulations

It is unlawful for those under 21 years of age to consume or possess alcoholic beverages. Individuals convicted of violating these regulations can be fined and have their Delaware driver's license revoked.

Consumption of alcoholic beverages and carrying opened containers are not permitted on any public street or sidewalk in the City.

PARKING

Residential Parking Permits

Any resident living within a special Residential Parking District who wishes to apply for a parking permit must file an application with the Newark Police Department in the Municipal Building on Elkton Road. No more than 2 permits will be issued per address for any nonowner occupant single-family type dwelling requiring a rental permit.

In Special Residential Parking Districts, residents with permits for their vehicles may request and receive from the Newark Police Department additional guest parking permits to park the vehicles of their guests.

Please contact the Newark Police Department for more details.

Parking Prohibited

Vehicles may park in approved driveways of single-family dwellings.

In addition to posted locations, stopping standing and parking is prohibited in the following areas:

1. On a sidewalk
2. In the front yard (an area extending the full width of the lot between the front street line and the single-family residential dwelling)
3. In front of a public or private driveway.

Vehicles are not permitted to be parked on any street for the purpose of:

1. Displaying the vehicle for sale
2. Greasing or repairing a vehicle (except for emergency repairs)
3. More than 36 hours without being moved

Inoperative or Unlicensed Vehicles

No inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises or city street.

RENTAL HOME EXTERIOR

Refuse Collection

Owners of rental dwellings must supply standard 20 or 32-gallon refuse cans (maximum size), conspicuously labeled with the address of the rental unit. Each refuse can must have a tight-fitting detachable lid and suitable handles.

Refuse placed for collection must:

1. Weight less than 40 pounds (including the container)
2. Be placed near the curb by 7:00 a.m. of the day of collection but no sooner than 6:00 p.m. the previous day.
3. Empty cans should be removed from the curb within 10 hours.

Detailed instructions regarding refuse collection, leaf pickup, large items, tree and plant limbs, etc. can be obtained from the Public Works Department at the Municipal Building.

Litter, Weeds & Grass

All properties within the City must be kept free of litter. Accumulated litter must not be swept into the gutter, street or sidewalk. Instead, it must be placed in receptacles.

Owners are responsible for cutting and removing any weeds, growth, litter, or the like from their lots, as well as from the area between the sidewalk and the curb or paved portion of any street abutting the curb. A notice will be sent to owners if weeds and grass exceed 10 inches in height.

Snow & Ice Removal

The owner, tenant, or occupant of a rental home must remove snow or ice from the sidewalk abutting his property within 24 hours from the time the snow ceases to fall or ice to form, in order to provide a clear pathway at least 3 feet wide in residential districts. Snow or ice must not be placed in the gutter or street.

Prohibited Furniture

Interior type furniture, such as upholstered couches and chairs or other fabric-covered articles, are not intended for outdoor use, and must not be placed outside the house.

WHERE CAN I GET MORE INFORMATION?

If you have additional questions concerning Zoning, contact the Newark Planning Department at 366-7030.

For Rental Property questions, contact the Newark Building Department at 366-7075.

For Refuse Collection questions, contact the Newark Public Works Department at 366-7040.

For Parking Permits, contact the Newark Police Department at 366-7101.

Or you may stop in at the Municipal Building on Elkton Road anytime between 8:30 a.m. and 5:00 p.m. Monday through Friday.

Please note that this publication summarizes Newark's regulations for the owners of single-

family type rental housing. It does not replace or substitute for specific *Code* requirements regarding rental permits, leases, noise, disorderly premises, alcohol regulations, parking permits, parking prohibitions, or property maintenance.

You may wish to consult the *Municipal Code* for further details.

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